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Paper No. 4

Dec 24

Nancy J. DeSantis  
Rothgerber, Appel, Powers & Johnson  
One Tabor Center, Suite 3000  
1200 17th Street  
Denver, Colorado 80202-5839

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OCT 24 1995

In re Application of  
Brewer et al.  
Application No. 08/484,337  
Filed: June 7, 1995  
Attorney Docket No. 65850-105  
4.15

OFFICE OF PETITIONS  
A/C PATENTS  
DECISION GRANTING PETITION

This is a decision on the petition filed August 18, 1995,  
requesting that the above-identified application be accorded a  
filing date of June 7, 1995.

~~On June 7, 1995, the application was deposited.~~

On August 2, 1995, Application Division mailed a Notice stating  
that a drawing of Figure 21 described in the specification was  
required in compliance with 35 USC 111 and that the filing date  
of the application would be the date of receipt of the drawing.

In response, on August 18, 1995, inter alia, the present petition  
and the petition fee were filed. Petitioners argue that Figure  
21 was present when the papers were filed but was not labelled  
legibly and mistakenly obscured. In support of the petition,  
three sheets of informal drawings were filed wherein the obscured  
numbered figure has been corrected to read "Figure 21".  
Petitioners request that the application be accorded a filing  
date of June 7, 1995 and the petition fee be refunded.

MPEP 608.01(f) states, in part, that an application is considered  
incomplete if it omits drawings which are described in the  
specification.

Upon review of the record, 50 sheets of drawings were deposited  
on June 7, 1995. The 50 sheets of drawings contained Figures 1-  
20 and 22-45 and unnumbered sheets. The drawing contained on the  
unnumbered sheets conforms to the description of Figure 21  
described in the specification. Therefore, Figure 21 was present  
on filing but was unnumbered.

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